

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Spangenberg *et al.* Art Unit : 1638
Serial No. : 10/580,868 Examiner : Bui, Phuong T.
Filed (§ 371(c)) : May 7, 2007 Conf. No. : 7075
Title : ICE RECRYSTALLISATION INHIBITION PROTEIN OR ANTIFREEZE
PROTEINS FROM DESCHAMPSIA, LOLIUM AND FESTUCA SPECIES OF
GRASS

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 C.F.R. § 1.143
INCLUDING PROVISIONAL ELECTION WITHOUT TRAVERSE

Responsive to the Office Action mailed July 21, 2010 in connection with the above-referenced patent application (the "Application"), Applicant elects:

The invention of Group I (claims 29–38, 43, and 44) drawn to a nucleic acid sequence and plant containing same.

Applicant further elects Species (a) (IRIP from *Deschampsia* species).

Applicant further elects SEQ ID NO: 7.

The election is made without traverse.

Claims reading on the elected species include at least: Claims 29, 31, 33, 35, 37 and 43.

Applicant has not verified whether the restriction is consistent with a proper application of the PCT's unity of invention standard, and makes the instant elections for the purposes of expediting prosecution only and not for the purposes of acknowledging the propriety of the restriction.

Nevertheless, Applicant acknowledges the Examiner's willingness to consider a rejoinder of method/process claims that are subject to the same limitations as product claims that contain allowable subject matter, at a later stage in prosecution of the Application.

ResponseToRestrictionWithoutTraverse-0813-02-003US1

CERTIFICATE OF TRANSMISSION BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: September 21, 2010

/Richard G. A. Bone/
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Applicant draws the Examiner's attention to the revocation and power of attorney filed in the Application on even date herewith.

No fees are believed owing with this filing, other than the extension of time fee, separately authorized herewith.

Respectfully submitted,

Date: September 21, 2010

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